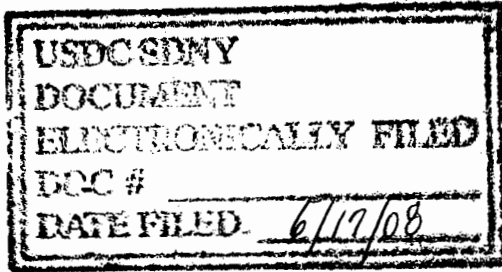


MEMO ENDORSED



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June 12, 2008

*Via Facsimile (212) 805-6712*  
Chambers of Hon. Kevin N. Fox  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

6/17/08

*Application granted.*

*SO ORDERED:*

*Kevin Nathaniel Fox*

KEVIN NATHANIEL FOX, U.S.M.J.

Re: Thomas Burke v. City of New York et al  
07 CV 6510 (VM)

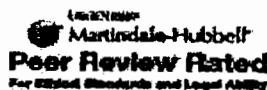
Your Honor:

I am the attorney for the plaintiff Thomas Burke in this action. The plaintiff respectfully moves for an order enlarging fact and expert discovery by ninety days to September 15, 2008, and November 15, 2008, respectively. And for an order permitting service by certified mail-return receipt requested upon the added defendants.

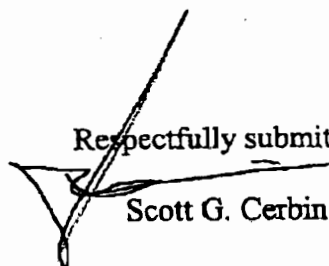
The extension of time is occasioned by the addition of seven (7) defendants via the amended complaint of April 21, 2008; as well as additional information obtained from plaintiff Thomas Burke at his deposition of May 29, 2008. Counsel for Defendants City of New York and Correction Commissioner Martin F. Horn, Barry Myrvold, Esq., consents to the extension of time.

The case is further delayed by the refusal of the added defendants to acknowledge service by mail at their place of business, the New York City Department of Correction (DOC) headquarters at 60 Hudson Street, New York, NY. Rather, the defendants are apparently insisting on being personally served at their respective commands on Rikers Island. The problem with such service is that the DOC will not allow my process server access to these secure facilities. Instead, he is referred to 60 Hudson where he is then referred back to Rikers.

I believe that all of the defendants are in receipt of the supplemental summons and amended complaint which I personally served on DOC headquarters via priority mail on May 17, 2008. Accordingly, plaintiff respectfully requests an order permitting service of the supplemental summons and amended complaint via certified mail-return receipt requested to the added defendant's respective commands.



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Respectfully submitted,  
  
Scott G. Cerbin

Cc: Barry Myrvold, Esq.